

IFW

PATENT

Attorney Docket No. SHP029



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT(S):** David Thorne

**EXAMINER:** Cris L. Rodriguez

**SERIAL NO.:** 10/712,570

**CONFIRMATION NO.:** 8804

**FILED:** November 13, 2003

**ART UNIT:** 3763

**FOR:** *SAFETY SHIELD FOR MEDICAL NEEDLES*

**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to, Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Aug. 1, 2005

Date

By: J. Barrus  
Jodi Barrus

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE ACTION SETTING FORTH  
A REQUIREMENT FOR AN ELECTION OF SPECIES**

Madam:

The Office Action mailed July 26, 2005 required an election to the following species of the claimed invention:

- a) Figs. 1-7, and
- b) Figs. 8-15

In response thereto, Applicants provisionally elect, with traverse, species a), corresponding to Figures 1-7. The claims which correspond to the provisionally elected species include claims 1-23.

The Examiner's attention is drawn to Applicants' respectful request for reconsideration of the species requirement, or in the alternative, modification thereof. In particular, Applicants

respectfully submit that the species a and b designated in the Office Action and corresponding to Figs. 1-15 should be combined as one specie, as they are so closely related that combining them would not provide an undue burden to consider them together. The claims which correspond to the combined specie would also include claims 1-23. Most certainly, the field of search for each would be identical. Accordingly, Applicants respectfully request reconsideration and modification of the species requirement as presented above.

In the Office Action, no claims were found generic. Applicants respectfully submit that at least independent claims 1, 17, 22, and 23 are generic to species a) and b) as designated in the Office Action. Therefore, upon the allowance of the generic claims all respective dependent claims would also be allowable. Support for this position may be found throughout the specification and drawings of the instant application.

In view of the foregoing, early and favorable consideration of the application is respectfully solicited.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call the Applicants' undersigned attorney.

Please charge any deficiency as well as any other fees that may become due at any time during the pendency of this application, or credit any over payment of such fees to deposit account no. 19-3542. Also, in the event that any extensions of time for responding are required for the pending application, please treat this paper as a petition to extend the time as required and charge deposit account no. 19-3542 therefor.

Respectfully submitted,

  
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Date: Aug. 1, 2005